

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RAUL SWAIN and KATHLEEN SCHONS,
individually and as guardians of minor child,
JAXOM [REDACTED]

Plaintiffs,

v.

SWEDISH HEALTH SERVICES d/b/a
SWEDISH MEDICAL CENTER, and
MICHAEL C. SHANNON, M.D.

Defendants.

NO.

COMPLAINT FOR MEDICAL
NEGLIGENCE

Raul Swain and Kathleen Schons, individually and as guardians of their minor child,
Jaxom [REDACTED] allege as follows:

I. JURISDICTION AND VENUE

1.1 This Court has jurisdiction and venue with respect to the parties and subject
matter of this action. The acts and omissions that give rise to [REDACTED]'s claims
occurred in the City of Seattle, in King County, Washington.

1.2 Declaration regarding Arbitration. The plaintiffs have declined to submit this
matter to arbitration under Chapter 7.70A RCW et seq., and the declaration required by
RCW 7.70A.020(2)(a) has been filed contemporaneously with the filing of this Complaint.
A copy of the Declaration of [REDACTED]'s counsel is attached as Exhibit 1.

II. PARTIES

2.1 Plaintiffs Raul Swain and Kathleen Schons are husband and wife. They are the natural parents of their minor child Jaxom [REDACTED]. At the time of the incident alleged herein, plaintiffs were residents of Everett, Snohomish County, Washington.

2.2 Defendant Swedish Health System is a Washington corporation authorized and doing business at all pertinent times in Washington as Swedish Medical Center at 747 Broadway, Seattle, King County, Washington. Defendant Swedish Health System did and does business in King County, Washington.

2.3 Defendant Michael C. Shannon, M.D. is a medical doctor licensed to practice medicine in the State of Washington. Dr. Shannon treated Jaxom [REDACTED] in the State of Washington.

III. FACTS

3.1 [REDACTED] was seen in the emergency department of defendant Swedish Medical Center's Mill Creek location on August 14, 2011.

3.2 [REDACTED] was transferred and admitted to Swedish Medical Center's Pediatric Intensive Care Unit (PICU), at First Hill, Seattle, on August 14, 2011.

3.3 While in the PICU, Dr. Michael C. Shannon put in an IV into the right femoral vein of [REDACTED]. During the course of that procedure, Dr. Shannon used a guidewire. Dr. Shannon left two pieces of the guidewire in [REDACTED]'s femoral vein.

3.4 Between August 16, 2011 and February 29, 2012, [REDACTED] had strange symptoms of an unknown cause.

3.5 On February 29, 2012, Raul Swain and Kathleen Schons noticed a small, protruding mass on [REDACTED]'s neck. He was ultimately taken to Seattle Children's Hospital.

1 3.6 On March 1, 2012, [REDACTED] underwent surgery at Seattle Children's to
2 extract the retained guidewire. It came out in two pieces, one was 16 cm in length, and the
3 other was 33 cm in length.

4 IV. CAUSE OF ACTION

5 4.1 The defendants and their respective employees or agents were negligent and
6 violated the standard of care with respect to their care and treatment of [REDACTED]. The
7 liability of defendants is based upon the legal theories of negligence, *respondeat superior*,
8 *res ipsa loquiter*, agency and independent corporate negligence.

9 4.2 The defendants' negligent medical care and treatment of [REDACTED] was a
10 direct and proximate cause of injuries and damages to [REDACTED].

11 V. DAMAGES

12 5.1 As a result of the injuries sustained by [REDACTED], the plaintiffs have
13 suffered grief and in other ways have suffered injury.

14 5.2 [REDACTED] has sustained injuries and damages, both special and general,
15 which were a proximate result of the negligence of defendant and its respective employees
16 and agents.

17 5.3 Plaintiffs seek all compensable damages permitted by and pursuant to
18 applicable law.

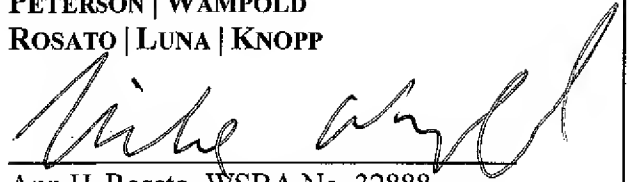
19 5.4 The damages above are in an amount to be proven at trial.

20 VI. PRAYER FOR RELIEF

21 WHEREFORE, Plaintiffs pray for judgment against defendants for the items of
22 damages set forth above, together with interest from the date of the incident, and for costs,
23 disbursements, attorney fees, and any other items of damages which may be appropriate in
24 this case.

1 DATED this 31st day of April, 2012.

2
3 **PETERSON | WAMPOLD**
4 **ROSATO | LUNA | KNOPP**

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6 Ann H. Rosato, WSBA No. 32888

7 Michael S. Wampold, WSBA No. 26053

8 Attorneys for Plaintiffs
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EXHIBIT 1

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SWEDISH HEALTH SERVICES d/b/a
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MICHAEL C. SHANNON, M.D.

Defendants.

NO.

DECLARATION OF MICHAEL S.
WAMPOLD PURSUANT TO RCW
7.70A.020

Michael S. Wampold declares as follows:

I am one of the attorneys for the plaintiffs in this action and have personal knowledge of the matters set forth herein.

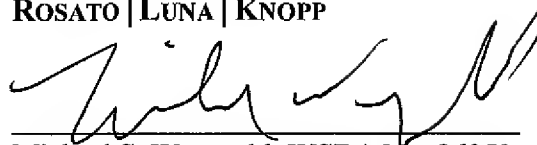
I have presented the plaintiffs in this case with a copy of the provisions of Chapter 7.70A RCW *et seq.* via e-mail before the commencement of this action, and the plaintiffs have elected not to submit the dispute to arbitration under this chapter.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

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Signed at Seattle, Washington, this 30th day of April, 2012.

PETERSON | WAMPOLD
ROSATO | LUNA | KNOPP



Michael S. Wampold, WSBA No. 26053
Attorneys for Plaintiffs